

REMARKS

Claims 1-14 are pending in this application, of which claim 1 and 11 have been amended. No new claims have been added.

Claims 1-7 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,796,827 to Whitaker (hereinafter "**Whitaker**"), in view of U.S. Patent No. 5,702,332 to Hsieh (hereinafter "**Hsieh**"), and further in view of U.S. Publication No. 2002/1063231 to Hoshino (hereinafter "**Hoshino**").

Applicants respectfully traverse this rejection.

In response to the preliminary amendment of March 23, 2009, which amended claims 1 and 11 to include foot plates mounted on the base, the Examiner has now cited **Hsieh** which discloses an exercise apparatus having a foot plate 16 mounted on a base.

In response, it should be noted that the specification of the instant application mentions that the foot plates may be moved in an up and down direction so that the inclination angle of the seat member increases, which allows the load acting on the user's leg to be adjusted by the user's own weight without substantially changing the bending angle (knee angle) of the knee joint. (Specification, p. 13, ll. 3-5, 8-10, 13-15, 24-27). The cited prior art does not disclose a foot plate movable in an up and down direction.

Accordingly, claims 1 and 11 have been amended to recite this feature, and the 35 U.S.C. §103(a) rejection should be withdrawn.

Claims 8, 10 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over **Whitaker**, in view of **Hsieh**, in view of **Hoshino**, and further in view of U.S. Patent No. 6,357,825 to Bavaresco (hereinafter "**Bavaresco**").

Applicants respectfully traverse this rejection.

Like the other cited references, Bavaresco does not disclose foot plates that are movable in an up and down direction. Accordingly, the amendments to claims 1 and 11 to include the limitation of foot plates movable in up and down directions overcome this rejection, and it should be withdrawn.

Claims 8-9 and 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Whitaker, in view of Hsieh, in view of Hoshino, and further in view of U.S. Patent No. 608,682 to Jamieson (hereinafter "Jamieson").

Applicants respectfully traverse this rejection.

Like the other cited references, Jamieson does not disclose foot plates that are movable in an up and down direction. Accordingly, the amendments to claims 1 and 11 to include the limitation of foot plates movable in up and down directions overcome this rejection, and it should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-14, as amended, are in condition for allowance, which action, at an early date, is requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Dated: August 27, 2009

CUSTOMER NO.: 21874

Respectfully submitted,

By 

William L. Brooks

Registration No.: 34,129

EDWARDS ANGELL PALMER & DODGE
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(202) 478-7376

Attorneys/Agents For Applicant